

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

WESTERN DIVISION

ESTATE OF JOSE R. FELICIANO,)
 By and through Jose L. Feliciano and)
 Migdalia Rosado, as Administrators of)
 The Estate of Jose R Feliciano,)
 Plaintiff)

vs.)

Civil No. 03-30.308-MAP

KEVIN A. MILES,)
 LEROY HOLDING COMPANY, INC.,)
 and SLC TRANSPORTS, INC.,)
 Defendants)

PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION IN LIMINE
REGARDING PHOTOGRAPHS NUMBERED 51 THROUGH 63

The Plaintiffs hereby oppose the Defendants' Motion in Limine seeking to preclude entry into evidence photographs numbered 51 through 63 regarding the funeral of Jose R. Feliciano. In response the Plaintiffs state the following:

Photographs 51 through 54 (4 pictures) depict Jose R. Feliciano's body in a casket. He is dressed in his military uniform, and flag is draped on his coffin. Photograph 55 depicts Jose Felciano, Sr. and Migdalia Rosado, the parents of the decedent, being met by attendees at the funeral. Photographs 56 and 57 depict the flag folding ceremony at the funeral. Photographs 58 and 59 depict the funeral procession. Photograph 60 depicts the decedent's family releasing doves at his funeral. Photograph 61 is the decedent's high school yearbook photograph and is not part of the funeral photos. Photograph 62 and 63 are not photographs, but rather the front and back of the remembrance card passed out at the decedent's funeral, with a picture of the decedent in uniform on the front, and a psalm on the back.

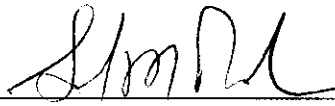
The photographs are relevant to the issue of damages in this case. Specifically, damages include the loss of consortium to the decedent's parents. Loss of consortium includes loss of society, loss of companionship, loss of care, comfort and support. The proposed exhibits demonstrate the loss of society to the parents. As a member of the armed services, the decedent raised the stature of the family in the eyes of the community. Photos of the decedent's military funeral show the respect, honor and dignity bestowed upon a member of the armed services by the community, and will demonstrate the loss to these parents of no longer having a member of the armed forces in their family, and the representations that makes for them to the community.

With respect to the photo depicting the releasing of birds in the air at the funeral is relevant to damages. Midgalia Rosado is expected to testify that her son spoke with her about performing

this duty if he were to die while in the military. The ceremony served as a reminder to Ms. Rosado of the long talks she had with her son, and evidences the loss of companionship she experiences.

WHEREFORE, the plaintiffs hereby request this Honorable Court to deny the defendants' Motion in Limine Regarding Photographs Numbered 51 through 63.

Respectfully submitted,
By the Plaintiff,
The Estate of Jose R. Feliciano



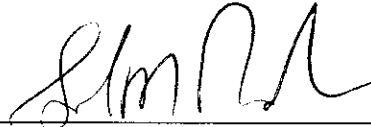
Samuel M. Radner, Esq.
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BBO # 565988
Plaintiffs Attorneys

Dated: 4/25/05

CERTIFICATION

I, Samuel M. Radner, Esquire hereby certify that a copy of the foregoing was mailed postage pre-paid to the following counsel and pro se parties of record on April 25, 2005:

Kevin G. Murphy, Esquire
Pessalano, Dusel, Murphy & Casartello, P.C.
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Springfield, MA 01103



Samuel M. Radner, Esquire